

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLAH,¹

Petitioner,

Case No. C17-0458RSM

V.

WASHINGTON STATE SUPREME COURT,
et al.

ORDER DISMISSING ACTION

Respondents.

14 On May 9, 2017, Petitioner filed a Petition for Writ of Habeas Corpus after being granted
15 leave to proceed *in forma pauperis*. Dkts. #9 and #10. From what the Court can discern, Petitioner
16 claims in his petition that a 2002 criminal judgment is invalid because it does not name “Allah©”
17 as the defendant. *See* Dkt. #10 at 7-8. Petitioner further claims that the Washington Department
18 of Corrections has no records naming “Allah©” as a defendant, and that his current confinement
19 is therefore unlawful. *See id.* Petitioner has therefore asked that this Court compel the judges of
20 the Washington Supreme Court and the Washington Court of Appeals, Divisions I and III, to
21 dismiss the 2002 King County case “for lack of jurisdiction and malicious prosecution.” Dkt. #10

¹ Mr. Allah files all pleadings in this Court under the name “Allah©”.

1 at 4. Petitioner also requests compensation in the amount of \$50,000 for his alleged unlawful
2 confinement, an unlimited hotel voucher for the Four Seasons Olympic Hotel in Seattle, immediate
3 release from the Washington State Penitentiary, and taxi fare back to Seattle. *See id.*

4 After reviewing the Petition, the Honorable Mary Alice Theiler, United States District
5 Judge, determined that it was deficient in that Petitioner failed to clearly articulate a viable
6 constitutional claim, and he failed to show that any constitutional claims pertaining to his 2002
7 judgment have been properly exhausted in the state courts. Judge Theiler also determined that the
8 Petition, even if it did identify a viable claim for relief, is likely barred by the federal statute of
9 limitations, 28 U.S.C. § 2244(d). Accordingly, on May 9, 2017, Judge Theiler issued an Order
10 directing Petitioner to show cause why his Petition should not be dismissed as time barred. Dkt.
11 #11. Judge Theiler noted in the Order to Show Cause that although it is not entirely clear when
12 Petitioner's 2002 state court judgment became final, the materials available to this Court suggest
13 it was approximately 15 years ago, well beyond the one year limitations period set forth in 28
14 U.S.C. § 2244(d). *Id.* After receiving Petitioner's response to the Order to Show Cause, Judge
15 Theiler issued her Report and Recommendation ("R&R"), recommending that this Court dismiss
16 the Petition as untimely. Dkt. #13 at 3.

17 On May 23, 2017, Petitioner filed Objections to the R&R. In those Objections, he
18 essentially repeats his argument that his conviction and judgment are invalid because they name
19 "Edwin Randal Coston a/k/a Allah" as the criminal defendant rather than "Allah©." Dkts. #14
20 and #14-1. However, on May 31, 2017, Petitioner filed a brief entitled "Strike Allah's© Response
21 To Report And Recommendation . . . Amended Petition for Extraordinary Writ of Habeas Corpus
22 To Comel [sic] Allah's© ReleaseFrom Illegal Imprisonment Proposed Response to Report And
23 Recommendation." Dkt. #15. Thus it appears that Petitioner now seeks to amend his Petition in

1 lieu of making Objections to the R&R. Petitioner's brief appears to be drafted as a combination
2 motion for release from prison and Amended Petition for Writ of Habeas Corpus. *Id.* Petitioner
3 also now names only one Respondent – Donald R. Holbrook, Superintendent of the Washington
4 State Prison at Walla Walla, WA. *Id.* at 1. Petitioner again appears to claim that he is being held
5 in prison unlawfully because no official government documents, including his Warrant of
6 Commitment, use the name “Allah©.” *Id.*

7 Having reviewed the R&R, Petitioner's responses thereto, and the remainder of the record,
8 the Court now hereby ORDERS:

9 (1) The Report and Recommendation is approved and ADOPTED. Nothing in
10 Petitioner's responses demonstrate any legal error in the recommendations made by Judge Theiler;

11 (2) Petitioner's petition for writ of habeas corpus (Dkt. #10), and this action are
12 DISMISSED as untimely under 28 U.S.C. § 2244(d);

13 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
14 United States District Courts, a certificate of appealability is DENIED; and

15 (4) The Clerk SHALL send copies of this Order to Petitioner and to the Honorable
16 Mary Alice Theiler.

17 DATED this 12 day of June, 2017.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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